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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,820	12/14/2000	Hao A. Chen	3620-036-01	8675

7590 08/25/2003  
KILYK & BOWERSOX, P.L.L.C.  
53 A EAST LEE STREET  
WARRENTON, VA 20186

EXAMINER

RHEE, JANE J

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 08/25/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/736,820	<b>Applicant(s)</b> CHEN ET AL.	
	<b>Examiner</b> Jane J Rhee	<b>Art Unit</b> 1772	
	-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --		

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 06 August 2003.

2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-6, 19, 20, 22, 23 and 27 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-6, 19, 20, 22, 23 and 27 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All   b) ☐ Some \* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1,5-6,19,22-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Bosco (3808032).

Bosco discloses a floor surface covering comprising two or more polymeric flooring planks having edges wherein the planks are connected to each other by a bonding agent wherein the bonding agent is present on at least one of the edges of at least one of the planks (col. 3 line 8), and wherein the bonding agent comprises at least one solvent that at least bonds the edges of the planks (col. 3 line 8). Bosco discloses that the bonding agent is present on at least each edge of each thermoplastic plank connected together to another thermoplastic plank (col. 3 line 8 figure 1). Bosco discloses that the bonding agent is present on two opposite edges of each individual plank (col. 3 line 8 figure 1). Bosco discloses that the polymeric flooring plank is in the shape of a tile (col.1 lines 67 figure 2). Bosco discloses that the polymeric flooring

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plank has a polymeric core with a laminate affixed on the surface of the core (col. 1 line 50-53). Bosco discloses splines located between at least a portion of the polymeric planks wherein at least a portion of the planks and splines are connected to each other by a bonding agent (col. 4 lines 8-10) comprising at least one solvent that bonds at least the spline and plank together wherein the bonding agent is applied to at least one of the edges of at least one of the individual planks, splines or both (col. 3 lines 10-12, col. 4 lines 8-10 and 29)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-4, 20 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bosco in view of Anstalt (1178565).

Bosco discloses the floor surface covering described above. Bosco discloses a bonding agent that causes the monomer molecules to become linked throughout the wood, forming a network of polymer that envelopes wood cells, encasing them tightly within a seal of plastic. Bosco fails to disclose that the bonding agent consists essentially of tetrahydrofuran. Bosco fails to disclose that the bonding agent comprises at least two different solvents capable of at least bonding the edges of the polymeric portion of the plank. Anstalt teaches that the bonding agent consists essentially of tetrahydrofuran

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which is a different solvent than Bosco's bonding agent for the purpose of joining two adjacent edges of polymeric materials together (col. 2 lines 78-87, col. 1 line 30-31).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's argument was made to provide Bosco with the bonding agent consist essentially of tetrahydrofuran which is a different solvent than Bosco's bonding agent in order to two adjacent edges of polymeric materials together (col. 2 lines 78-87, col. 1 line 30-31) as taught by Anstalt.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-6, 19-20,22-23,27 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane J Rhee whose telephone number is 703-605-4959.

The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 703-308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER

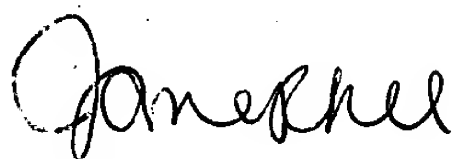
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A handwritten signature in cursive script, appearing to read "Jane Rhee".

Jane Rhee

August 18, 2003